## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NILE MONTGOMERY,

Petitioner, :

v. : CIVIL ACTION

:

SUPT. LOUIS FOLINO, ET. AL., : NO. 10-2157

Respondents.

## **ORDER**

**AND NOW**, this \_\_\_\_\_ day of June, 2011, upon consideration of Petitioner's Petition for Writ of Habeas Corpus (Doc. 1), Respondents' Response in Opposition thereto (Doc. 10), and after careful review of the Report and Recommendation of United States Magistrate Judge Lynne Sitarski (Doc. 13)<sup>1</sup>, **IT IS HEREBY ORDERED and DECREED** as follows:

- 1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
- 2. Petitioner's Petition for Writ of Habeas Corpus is **DENIED**; and
- 3. There has been no substantial showing of the denial of a Constitutional right requiring the issuance of a certificate of appealability.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.

<sup>&</sup>lt;sup>1</sup> Petitioner did not file objections to the Magistrate's Report and Recommendation.